

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Conor O'Shea	Team: Squad #6	CCRB Case #: 201806785	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/17/2018 , Wednesday, 07/18/2018 12:50 AM	Location of Incident: Graham Avenue and Johnson Avenue; 90th Precinct stationhouse	Precinct: 90	18 Mo. SOL 1/18/2020	EO SOL 1/18/2020	
Date/Time CV Reported Fri, 08/17/2018 1:09 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 08/17/2018 1:09 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Rodney Fernandez	16671	957580	090 PCT
2. LT Henry Daverin	00000	945645	090 PCT
3. SGT Gregg Minardi	00608	940475	090 PCT
4. SGT Joseph Armenio	03840	945477	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Henry Daverin	Abuse: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Lieutenant Henry Daverin stopped § 87(2)(b)	
B.SGT Gregg Minardi	Abuse: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Sergeant Gregg Minardi frisked § 87(2)(b)	
C.SGT Gregg Minardi	Abuse: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Sergeant Gregg Minardi searched § 87(2)(b)'s backpack.	
D.LT Henry Daverin	Abuse: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Lieutenant Henry Daverin searched § 87(2)(b)'s backpack.	
E.POM Rodney Fernandez	Abuse: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Police Officer Rodney Fernandez searched § 87(2)(b)'s backpack.	
F.SGT Gregg Minardi	Discourtesy: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Sergeant Gregg Minardi acted discourteously toward § 87(2)(b)	
G.SGT Gregg Minardi	Abuse: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Sergeant Gregg Minardi seized § 87(2)(b)'s property.	
H.LT Henry Daverin	Discourtesy: Inside of the 90th Precinct stationhouse in Brooklyn, Lieutenant Henry Daverin spoke discourteously to § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Officer(s)	Allegation	Investigator Recommendation
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On August 17, 2018, § 87(2)(b) called the CCRB to file this complaint on behalf of himself and an unidentified individual, later identified by the investigation as § 87(2)(b).

On July 18, 2018, at approximately 12:50 a.m., § 87(2)(b) and § 87(2)(b) were walking near the intersection of Graham Avenue and Johnson Avenue in Brooklyn when they were stopped by Lieutenant Henry Daverin, Sergeant Gregg Minardi, Police Officer Rodney Fernandez, and Sergeant Joseph Armenio—all of the 90th Precinct—for obstructing vehicular traffic (**Allegation A: Abuse of Authority**, § 87(2)(g)). Sgt. Minardi frisked § 87(2)(b)'s jacket pocket (**Allegation B: Abuse of Authority**, § 87(2)(g)). Sgt. Minardi allegedly opened and searched § 87(2)(b)'s backpack (**Allegation C: Abuse of Authority**, § 87(2)(g)). Lt. Daverin and PO Fernandez each searched § 87(2)(b)'s backpack (**Allegations D and E: Abuse of Authority**, § 87(2)(g)). PO Fernandez handcuffed and arrested § 87(2)(b). Sgt. Minardi allegedly threw a bag full of expensive clothes that § 87(2)(b) had been carrying into a roadside trash can (**Allegation F: Discourtesy**, § 87(2)(g); **Allegation G: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was allowed to leave, and was neither summonsed nor arrested. Later that same day, on July 18, 2018, at approximately 5:18 p.m., § 87(2)(b) returned to the 90th Precinct stationhouse to retrieve his property and interacted with Lt. Daverin. § 87(2)(b) asked Lt. Daverin about retrieving his money—which had been vouchered as forfeiture—but Lt. Daverin allegedly told § 87(2)(b) he would not be getting “shit back” and repeatedly ordered him to “Get the fuck out of here” (**Allegation H: Discourtesy**, § 87(2)(g)).

§ 87(4-b), § 87(2)(g)

This case has no video evidence.

Findings and Recommendations

Allegation A—Abuse of Authority: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Lieutenant Henry Daverin stopped § 87(2)(b)

An attorney was consulted regarding this allegation.

§ 87(2)(g)

The following facts are undisputed. On July 18, 2018, at approximately 12:50 a.m., Lt. Daverin, Sgt. Minardi, Sgt. Armenio, and PO Fernandez exited their patrol car and stopped § 87(2)(b) and § 87(2)(b) near the intersection of Johnson Avenue and Graham Avenue in Brooklyn. § 87(2)(b) was walking at least somewhat near § 87(2)(b) at the time they were both stopped. § 87(2)(b) was ultimately arrested for § 87(2)(b).

§ 87(2)(b) and later pled guilty to disorderly conduct (**Board Review 01, 02**). § 87(2)(b) did not receive any summonses, nor was he

arrested. The full context of the stop—including § 87(2)(b)'s association or lack thereof with § 87(2)(b)—is in dispute.

§ 87(2)(b) testified (**Board Review 03**) that he was walking by himself from a friend's house toward the Montrose Avenue subway station. While he was walking on Boerum Street toward Johnson Avenue, Sgt. Minardi, Lt. Daverin, and PO Fernandez drove slowly alongside him in an unmarked Ford Taurus. Lt. Daverin called out to § 87(2)(b) from inside of the Taurus but he ignored him. § 87(2)(b) entered a nearby bodega at the corner of Boerum Street and Graham Avenue, remained there for approximately five minutes, and purchased chips and a soda before leaving and continuing on Graham Avenue toward Johnson Avenue. Meanwhile, Sgt. Minardi, Lt. Daverin, and PO Fernandez's Taurus continued to pace § 87(2)(b) along the sidewalk. At some point, § 87(2)(b) whom § 87(2)(b) said he did not know—began walking slightly behind § 87(2)(b) which § 87(2)(b) did not realize until later. Eventually, Lt. Daverin ordered § 87(2)(b) to stop, and the officers exited the Taurus and stopped § 87(2)(b) and § 87(2)(b) on Graham Avenue between Johnson Avenue and Montrose Avenue. Only once the officers stopped both § 87(2)(b) and § 87(2)(b) did § 87(2)(b) realize that § 87(2)(b) had been walking near him. § 87(2)(b) was not walking "with" § 87(2)(b). § 87(2)(b) denied that, prior to being stopped, he: crossed any street against a pedestrian do-not-walk signal; blocked vehicular traffic; or committed any offense for which he could have been issued a summons or arrested.

The investigation was able to identify § 87(2)(b) based on warrant checks performed by Lt. Daverin at the time of the street stop (**Board Review 04, 05**). Ultimately, however, the investigation was unable to make contact with, or obtain a statement from, § 87(2)(b) (See IAs for contact attempts). § 87(2)(g)

Although Sgt. Armenio testified (**Board Review 06**) that he did not remember the incident, Lt. Daverin (**Board Review 07**), Sgt. Minardi (**Board Review 08**), and PO Fernandez (**Board Review 09**) all consistently testified that they observed § 87(2)(b) and § 87(2)(b) walking together on Graham Avenue toward its intersection with Johnson Avenue. According to Lt. Daverin and Sgt. Minardi, both § 87(2)(b) and § 87(2)(b) crossed the street against a do-not-walk pedestrian sign and were almost hit by a car traveling down Johnson Avenue in doing so. PO Fernandez denied that § 87(2)(b) did so, however, and testified that only § 87(2)(b) crossed the street in this manner. In § 87(2)(b)'s arrest report (**Board Review 02**), PO Fernandez wrote that he observed § 87(2)(b) "cross [the] street at location against a steady green light obstructing vehicular traffic." PO Fernandez did not include in the arrest report any mention of § 87(2)(b) walking with anyone else. No officer suspected § 87(2)(b) or § 87(2)(b) of committing any other offense besides obstructing vehicular traffic.

§ 87(2)(g)

Allegation B—Abuse of Authority: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Sergeant Gregg Minardi frisked § 87(2)(b)

Allegation C—Abuse of Authority: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Sergeant Gregg Minardi searched § 87(2)(b)'s backpack.

An attorney was consulted regarding these allegations.

The following facts are undisputed. During the first portion of Lt. Daverin, Sgt. Minardi, Sgt. Armenio, and PO Fernandez’s tour of duty on July 17, 2018 going into the incident date of July 18, 2018, two apparently gang-related shootings occurred in the general vicinity of where § 87(2)(b) and § 87(2)(b) were stopped. At the time § 87(2)(b) and § 87(2)(b) were stopped, however, the officers were not looking for any particular suspect who matched a specific description. Instead, they were keeping an eye out for potential shootings in “retaliation” for the prior shootings as part of the ongoing inter-gang feud in the area.

During his CCRB interview, § 87(2)(b) (**Board Review 03**) testified that once the officers stopped him and § 87(2)(b) Sgt. Minardi searched § 87(2)(b)’s bag and found a quantity of marijuana that was less than an ounce. The officers allowed § 87(2)(b) to leave without issuing him a summons or arresting him.

As previously discussed, the investigation was unable to establish contact with, or obtain a statement from, § 87(2)(b).

Lt. Daverin (**Board Review 07**) testified that, as he approached § 87(2)(b) he did not observe any bulges on his person. § 87(2)(b) was “calm” as the officers approached. Lt. Daverin did not remember if § 87(2)(b) had any sort of bag with him or if any officer frisked him. Lt. Daverin’s focus was on § 87(2)(b) not § 87(2)(b) though.

Sgt. Minardi (**Board Review 08**) testified that, upon approach, he observed a bulge in § 87(2)(b)’s left jacket pocket. The bulge had “an edge to it”—which Sgt. Minardi clarified to mean a right-angle corner—and “some weight” to it, which Sgt. Minardi clarified to mean that it only slightly weighed the pocket down below the other pocket. Sgt. Minardi believed that this pocket bulge was a gun based only on the following factors: the shootings that happened earlier in the day in the same general area of the stop; his ongoing concern about a hypothetical retaliatory shooting in response; and his “experience and training” of working in Anti-Crime for over eight years, working as a Field Intelligence Officer (FIO), and having been involved in approximately a “couple hundred” apprehensions and recoveries of guns. Based on his training and experience and their presence in an area with a few recent shootings, Sgt. Minardi believed the bulge in § 87(2)(b)’s pocket was, in fact, a gun.

§ 87(2)(g)

In New York State, it is a violation—but not a crime—to obstruct vehicular traffic “with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof.” NY Penal Law, §§ 240.20(5) (**Board Review 10**) and 10.00(1–6) (**Board Review 11**).

When an officer lawfully stops an individual for committing a non-dangerous and non-violent offense, the officer may only frisk that person if, in addition to the reason for stopping the person in the first place, the officer also possesses “*independent*, reasonable suspicion to believe that [the person stopped] is armed and presently dangerous.” United States v. Jackson, 2015 U.S. Dist. LEXIS 98980 (S.D.N.Y. 2015), emphasis added (**Board Review 12**).

In order for a frisk predicated on an observed bulge in a suspect’s clothing to be justified, “the bulge’s size, shape, and placement” must “justify the conclusion—that is, the reasonable suspicion—that the bulge is a *weapon*” as opposed to an innocuous object. Jackson, supra, emphasis original. When an officer’s observations of a bulge on a pedestrian’s person are “readily susceptible of an innocent as well as guilty explanation,” those observations alone cannot justify a frisk. People v. Stevenson, 7 A.D.3d 820 (2nd Dept. 2004) (**Board Review 13**). More specifically,

“the outline of a commonly carried object such as a wallet or cell phone does not justify a...frisk.” Floyd v. City of New York, 959 F.Supp.2d 540 (S.D.N.Y. 2013) (**Board Review 14**). Regarding the location of bulges, courts have held that pocket bulges “could be caused by any number of innocuous objects,” whereas a waistband bulge is often a “telltale of a weapon.” People v. DeBour, 40 N.Y.2d 210 (1976) (**Board Review 15**).

In People v. Gerard, 94 A.D.3d 592 (1st Dept. 2012) (**Board Review 16**), the combination of all of the following six factors, together, was insufficient to justify a frisk: “(1) [the suspect’s] presence in a ‘drug-prone and gun-prone’ location at approximately 2:45 a.m.; (2) the weighted down appearance of the left side of [the suspect’s] unzipped jacket; (3) [the suspect’s] change in course after he noticed the police officers, in which he made a hard left turn, quickened his pace and hugged the building line, with the weighted side of his coat very close to the wall; (4) [the suspect’s] act of blading his body towards the wall as the investigating officer neared, i.e. turning his shoulders so as to use the wall to shield his weighted-down pocket; (5) the bulge in [the suspect’s] weighted-down pocket; and (6) [the suspect] speaking into a phone in a fast cadence.”

§ 87(2)(g)

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§ 87(2)(g)

Allegation D—Abuse of Authority: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Lieutenant Henry Daverin searched § 87(2)(b) s backpack.
Allegation E—Abuse of Authority: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Police Officer Rodney Fernandez searched § 87(2)(b) s backpack.

An attorney was consulted regarding these allegations.

In § 87(2)(b) s CCRB intake call (**Board Review 17**), he initially alleged that Sgt. Minardi asked him what was in his backpack and searched it. During his CCRB interview, however, § 87(2)(b) (**Board Review 03**) clarified that it was actually Lt. Daverin who asked what he had in his backpack. § 87(2)(b) replied that it was none of Lt. Daverin’s business. Lt. Daverin said § 87(2)(b) s backpack smelled “funny,” but § 87(2)(b) reiterated that there was nothing in it. Lt. Daverin grabbed § 87(2)(b) s backpack off of his shoulder, opened it, and searched its contents. As such, the investigation has pled this search allegation against Lt. Daverin. No officer ever asked § 87(2)(b) for permission to search his backpack, and § 87(2)(b) never gave any such consent. During his CCRB interview, § 87(2)(b) (**Board Review 03**) admitted that he had approximately one ounce of loose, vegetative marijuana in a black plastic bag inside of his backpack when he was stopped—but denied that it was possible to smell the marijuana from outside of the backpack.

§ 87(2)(b) further testified (**Board Review 03**) that, after his backpack was searched, an officer patted down his legs and ordered him to empty his pockets. § 87(2)(b) was then handcuffed and transported back to the 90th Precinct stationhouse for arrest processing.

In § 87(2)(b) s arrest report (**Board Review 02**), PO Fernandez wrote: “Search incident to lawful arrest, defendant § 87(2)(b) was found in possession of a large quantity of alleged marijuana and quantity of alleged MDMA.” PO Fernandez also noted in § 87(2)(b) s arrest report that § 87(2)(b) made a statement, “Its [sic] Molly”—an apparent reference to a popular street name for MDMA.

During his CCRB interview, PO Fernandez (**Board Review 09**) testified that as the officers approached § 87(2)(b) he seemed nervous and smelled strongly of marijuana, but § 87(2)(b) was not considered under arrest at this point. When asked to clarify if the marijuana smelled burnt or non-burnt, however, PO Fernandez said, “It could have been both, because usually if someone smokes before, they have it on them.” PO Fernandez asked § 87(2)(b) if he had been smoking marijuana beforehand. § 87(2)(b) said, in a “nervous manner,” that he had

some marijuana in his backpack but did not have any weapons or guns on him. Initially, PO Fernandez stated that § 87(2)(b) handed his backpack to Lt. Daverin with shaky hands, but then stated that Lt. Daverin actually grabbed the bag from § 87(2)(b). Ultimately, PO Fernandez did not remember whether § 87(2)(b) handed the backpack to Lt. Daverin or whether Lt. Daverin grabbed it from him.

Once Lt. Daverin had § 87(2)(b)'s backpack in his hands, he opened and searched it, revealing there to be marijuana contained inside. PO Fernandez still did not consider § 87(2)(b) under arrest at this point. Lt. Daverin handed the backpack to PO Fernandez and patted down § 87(2)(b)'s waist area and down his legs to check for weapons. No contraband was recovered during Lt. Daverin's frisk. PO Fernandez did not remember if any other officer frisked § 87(2)(b) on scene. PO Fernandez looked inside of § 87(2)(b)'s open backpack and saw the bags of marijuana, but PO Fernandez still did not consider § 87(2)(b) under arrest. PO Fernandez continued searching through § 87(2)(b)'s backpack, moved some aside some drawing supplies, and—at the bottom of the backpack underneath the drawing supplies—saw glass vials of an unknown substance. PO Fernandez asked § 87(2)(b) what the vials contained and he said, "Oh, it's just Molly." PO Fernandez interpreted that to mean that the vials contained a hallucinogenic drug. At this point, *and at no point prior*, PO Fernandez considered § 87(2)(b) to be under arrest. PO Fernandez handcuffed § 87(2)(b) without incident and searched his pockets. Back at the 90th Precinct stationhouse, PO Fernandez vouchered the contents of § 87(2)(b)'s backpack, which included marijuana packaged in two large tied sandwich bags, one medium bag, and one small bag, as well as several black-capped vials of what was later determined to be crack cocaine.

Lt. Daverin (**Board Review 07**) testified that as the officers approached § 87(2)(b) and § 87(2)(b) was "calm" and did not have any observable bulges on his person. As Lt. Daverin approached § 87(2)(b) he smelled a "strong odor" of marijuana—which he later clarified smelled non-burnt—emanating from § 87(2)(b)'s person. Lt. Daverin could locate the smell of marijuana as coming from § 87(2)(b)'s person, rather than from § 87(2)(b)'s person or elsewhere on the street, because of how strong the smell was. An officer told § 87(2)(b) that he smelled like marijuana and asked him if he had anything illegal on him. § 87(2)(b) said yes, he had marijuana in his backpack. Shortly thereafter, § 87(2)(b) handed his backpack over to an officer, who opened it and discovered an arrestable quantity of marijuana as well as another controlled substance, possibly cocaine. § 87(2)(b) was handcuffed and placed under arrest without incident. Once § 87(2)(b) was arrested, as part of what Lt. Daverin believed to be a search incident to a lawful arrest, § 87(2)(b) was frisked and searched. Lt. Daverin did not remember if § 87(2)(b) was frisked before he was arrested.

Sgt. Minardi (**Board Review 08**) did not notice what was going on between § 87(2)(b) and the officers who were interacting with him because Sgt. Minardi was focused on § 87(2)(b). As discussed previously, Sgt. Armenio did not remember this incident at all (**Board Review 06**).

"A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: ... He obstructs vehicular...traffic. ... Disorderly conduct is a violation." NY Penal Law, § 240.20(5) (**Board Review 10**). Absent an arrest warrant, a police officer may arrest a person for committing "any offense"—including a violation—"when he or she has reasonable cause to believe that such person has committed such offense in his or her presence." NY Criminal Procedure Law (CPL) § 140.10 (**Board Review 18**).

For Fourth Amendment purposes, a police officer asking a civilian to empty his or her pockets is "the equivalent of searching [the] pockets themselves." In re Bernard G., 247 A.D.2d

91 (1st Dept. 1998) (**Board Review 19**). A warrantless search is considered to be justified as a search “incident” to an arrest (SILA) only if it is “incident to an actual arrest, not just probable cause that might have led to an arrest, but did not.” People v. Reid, 24 N.Y.3d 615 (2014) (**Board Review 20**). The SILA “doctrine, by its nature, requires proof that, at the time of the search, an arrest has already occurred or is about to occur. Where no arrest has yet taken place, the officer must have intended to make one if the [SILA] exception is to be applied.” Reid, supra.

If the officers saw § 87(2)(b) actually commit the violation of disorderly conduct for which they stopped him, they would have had probable cause to believe he had committed a violation under NY Penal Law § 240.20(5) and could have arrested him without an arrest warrant pursuant to NY CPL § 140.10. Under these circumstances, the warrantless search of § 87(2)(b)s backpack could only have been justified under either the SILA doctrine or by consent from § 87(2)(b) himself. Under Reid, SILAs “must be incident to an actual arrest, not just to probable cause that might have led to an arrest, but did not.” In Reid, the issue with the search was that, “but for the search[,] there would have been no arrest at all.”

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)



Allegation F—Discourtesy: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Sergeant Gregg Minardi acted discourteously toward § 87(2)(b)

Allegation G—Abuse of Authority: At the intersection of Graham Avenue and Johnson Avenue in Brooklyn, Sergeant Gregg Minardi seized § 87(2)(b)'s property.

An attorney was consulted regarding these allegations.

§ 87(2)(b) (Board Review 03, 17) alleged that, once he was handcuffed and arrested, Sgt. Minardi took the shopping bag full of clothes from his hand and threw it away in a trash can on the side of the road, along with the receipts for the clothes. § 87(2)(b) was then transported to the 90th Precinct stationhouse. The shopping bag and its contents were lost forever.

Sgt. Minardi (Board Review 08), Lt. Daverin (Board Review 07), and PO Fernandez (Board Review 09) all unequivocally denied that any officer threw away § 87(2)(b)'s shopping bag full of clothes in a roadside trash can—and also denied that he was even carrying such a bag. As discussed previously, Sgt. Armenio (Board Review 06) did not remember this incident.

§ 87(2)(g)

Allegation H—Discourtesy: Inside of the 90th Precinct stationhouse, Lieutenant Henry Daverin spoke discourteously to § 87(2)(b)

It is undisputed that § 87(2)(b) was released on his own recognizance the same day he was arrested, July 18, 2018, at approximately 3:08 p.m. (Board Review 21) and retrieved his property at the 90th Precinct stationhouse shortly thereafter, at 5:18 p.m. (Board Review 22).

§ 87(2)(b)'s CCRB intake call (Board Review 17) and his CCRB interview testimony (Board Review 03) were mostly consistent except for the following discrepancies. After being released from jail, § 87(2)(b) returned to the 90th Precinct stationhouse to retrieve his property and became frustrated that he was not going to receive all of his money back; some of it had been seized as forfeiture. Lt. Daverin entered the stationhouse and § 87(2)(b) recognized him from his arrest. § 87(2)(b) asked Lt. Daverin about getting his money back. Lt. Daverin told § 87(2)(b) to “Get the fuck out of here” approximately three times. During § 87(2)(b)'s intake call, he stated that Lt. Daverin merely told him he would not be getting his money back. During § 87(2)(b)'s CCRB interview, however, he alleged that Lt. Daverin told him he would not be getting “shit back.” § 87(2)(b) left the stationhouse without further incident.

Lt. Daverin (Board Review 07) testified that he never saw § 87(2)(b) again after his July 18, 2018 arrest. Lt. Daverin denied telling § 87(2)(b) he would not be getting “shit back” or to “Get the fuck out of here.” Lt. Daverin denied ever using profanity with § 87(2)(b)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[illegible]

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint and has been named as a victim in two other allegations (**Board Review 31**).
 - § 87(2)(b)
- This is the first and only CCRB complaint in which § 87(2)(b) has been a party (**Board Review 32**).
- Lt. Daverin has been a member of service for 11 years and has been a subject in 24 other CCRB complaints and 70 other allegations, of which five have been substantiated.
 - Case #201502623 involved substantiated allegations of a frisk, vehicle search, and refusal to provide name and shield number. The Board recommended Command Discipline-A. The NYPD imposed Command Discipline-A.
 - Case #201604699 involved substantiated allegations of premises entered and searched. The Board recommended Command Discipline-B. The NYPD declined to prosecute and imposed no penalty for the substantiated FADO allegations.
 - Since mid-2014, Lt. Daverin has been cited 10 times for failure to prepare a memo book entry—for which the NYPD imposed Command Discipline-A once and Command Discipline-B once—and failure to prepare a stop and frisk report once, for which the NYPD imposed no discipline. § 87(2)(g)
- Sgt. Minardi has been a member of service for 13 years and has been a subject in seven other CCRB complaints and 23 other allegations, none of which have been substantiated. § 87(2)(g)

- PO Fernandez has been a member of service for four years and has been a subject in one other CCRB complaint and four other allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Armenio has been a member of service for 11 years and has been a subject in two other CCRB complaints and two other allegations, none of which have been substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) s arrest rendered this complaint unsuitable for mediation.
- A Notice of Claim request was submitted to the New York City Office of the Comptroller regarding § 87(2)(b) and § 87(2)(b) on April 24, 2019. That request is still pending as of the writing of this report (**Board Review 33**).
- According to the Officer of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 34**).
- § 87(2)(b)

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date